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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,628	04/05/2001	Ylian Saint-Hilaire	10559/425001/P10439	5525
20985	7590	11/17/2004	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			NGUYEN, THANH T	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/828,628	Applicant(s) SAINT-HILAIRE ET AL.	
	Examiner Tammy T Nguyen	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) # | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



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Detailed Office Action

1. This action is in response to the application 09/828,628 filed. **April 5, 2001.**
2. Claims **1-30** have been examined.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8, 11, 12, 16-27, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Gross et al. (USPN 6,162,138 – Date of Patent: December 12, 2000, herein referred to as “Gross”).
6. As to claim 1, Gross teaches the invention as claimed, including a method comprising: preparing information included in a stream of information that requires reliable transmission from a source destination for transmission across a network link (col.1, lines 30-65, and col.5, lines 50-60, data stream digital audio and video); separately preparing other information included in the stream that does not require reliable transmission destination for transmission across the network link (col.6, lines 50-60 , and col.8, lines 45-50) and preparing the stream for transmission across the network link (col.6, lines 47-57, Ethernet has been told to transmit a packet is received from the network).
7. As to claim 2, Gross teaches the invention as claimed, further comprising aggregating information sent from applications into the stream (col.1, lines 30-42, and col.5, lines 50-57, audio stream).
8. As to claim 3, Gross teaches the invention as claimed, in which preparing the information includes framing the information (col.6, lines 35-45 framing packet).
9. As to claim 4, Gross teaches the invention as claimed, in which preparing the other information includes framing the other information (col.6, lines 35-45).

10. As to claim 5, Gross teaches the invention as claimed, in which preparing the information includes processing the information according transmission requirement of the source (col.6, lines 60-67 identify information source).
11. As to claim 6, Gross teaches the invention as claimed, in which preparing the information includes processing the information according to a transmission requirement of the network link (col.6, lines 47-57, shows transmission over network).
12. As to claim 7, Gross teaches the invention as claimed, in which preparing the other information includes processing the other information according to a transmission requirement of the source (col.6, lines 60-67).
13. As to claim 8, Gross teaches the invention as claimed, in which preparing the other information includes processing the other information according to a transmission requirement of the network link (col.6, lines 47-57).
14. As to claim 11, Gross teaches the invention as claimed, further comprising, at a destination-side of the network link, removing the preparations from the information (col.16, lines 50-55).
15. As to claim 12, Gross teaches the invention as claimed, further comprising, at a destination-side of the network link, removing the preparations from the other information (Fig.12, and col. 16, lines 50-55).
16. As to claim 16, Gross teaches the invention as claimed, including an article comprising: a machine-readable medium which stores machine-executable instructions, the instructions causing a machine to: prepare information included in a

- stream of that requires reliable transmission from a source to a destination for transmission across network link (col.1, lines 30-65, and col.5, lines 50-60, data stream digital audio and video); separately prepare other information included in the stream that does not require reliable transmission to the destination for transmission across the network link (col.6, lines 50-60, and col.8, lines 45-50) and prepare the stream for transmission across the network link (col.6, lines 47-57, Ethernet has been told to transmit a packet is received from the network).
17. As to claim 17, Gross teaches the invention as claimed, in which preparing the information includes framing the information (col.6, lines 35-45 framing packet).
 18. As to claim 18, Gross teaches the invention as claimed, in which preparing the other information includes framing the other information (col.6, lines 35-45).
 19. As to claim 19, Gross teaches the invention as claimed, in which preparing the information according to information includes processing transmission requirement of the source (col.6, lines 60-67 identify information source).
 20. As to claim 20, Gross teaches the invention as claimed, in which preparing the information includes processing the information according to a transmission requirement of the network link (col.6, lines 47-57, shows transmission over network).
 21. As to claim 21, Gross teaches the invention as claimed, in which preparing the other information includes processing the other information according a transmission requirement of the source (col.6, lines 60-67).

22. As to claim 22, Gross teaches the invention as claimed, in which preparing the other information according to a transmission requirement of the network link (col.6, lines 47-57).
23. As to claim 23, Gross teaches the invention as claimed, including a system comprising: first mechanism located at a first side of a network link and configured to prepare information included stream information that requires reliable transmission from a source transmission across the network link, separately prepare other information included in stream that does not require reliable transmission to the destination for transmission across the network link (col.1, lines 30-65, and col.5, lines 50-60, data stream digital audio and video); and a destination for prepare the stream for transmission across the network link (col.6, lines 50-60 , and col.8, lines 45-50) and a second mechanism located a second side of the network and configured to: handle preparations made to the stream at the first side in order to prepare the information and the other information included in the stream for delivery to the destination (col.6, lines 47-57, Ethernet has been told to transmit a packet is received from the network).
24. As to claim 24, Gross teaches the invention as claimed, in which preparing the information and the other information includes framing the information and the other information (Fig.12, and col.16, lines 50-55).
25. As to claim 25, Gross teaches the invention as claimed, in which preparing the information and the other information includes processing the information and the

other information according to a transmission requirement of the source (col.6, lines 60-67).

26. As to claim 26, Gross teaches the invention as claimed, in which preparing the information and the other information includes processing the information and the other information according to a transmission requirement of the network link (col.6, lines 47-57).
27. As to claim 27, Gross teaches the invention as claimed, including a method comprising: processing information for transmission across a network link from a source to a destination in a first processing stage, a second processing stage, and a third processing stage (col.1, lines 30-65, and col.5, lines 50-60, data stream digital audio and video); framing the information between the stage and the second processing stage (col.6, lines 50-60, and col.8, lines 45-50) framing the information between the first processing second processing stage and the third processing stage (col.6, lines 47-57, Ethernet has been told to transmit a packet is received from the network).
28. As to claim 29, Gross teaches the invention as claimed, including a method comprising: handling at a destination-side of a network link information included in a stream of information requires reliable transmission from a source destination across the network link (col.1, lines 30-65, and col.5, lines 50-60, data stream digital audio and video); separately handling at the destination-side other information included in the stream that does not require reliable transmission to the destination for transmission across the network link (col.6, lines 50-60 , and col.8, lines 45-50);

forwarding the information to the destination immediately after handling the information; and forwarding the other information to the destination immediately after handling the other information (col.6, lines 47-57, Ethernet has been told to transmit a packet is received from the network).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 13-15, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al., (hereinafter Gross) U.S. Patent No. 6,161,138 in view of Wang et al., (hereinafter Wang) U.S. Patent No. 6,161,134.
31. As to claim 13, and 28 Gross does not teach the source includes a mobile unit. However, Wang teaches the source includes a mobile unit (Fig.3b shows mobile unit). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Wang into the computer system of Gross to have a mobile unit because it would have provided the user information to the telephone and establish telephone operating parameter for mobile communication

with devices connected the telephone base on the user information and the mobile capabilities.

32. As to claim 14, 30, Gross does not teach the destination includes home network. However, Wang teaches home network (Fig.3b). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Wang into the computer system of Gross to have home network because it would have provided a network contained within a user's home that connects a person's digital devices.
33. As to claim 15, Gross does not teach the network link includes a wireless interface. However, Wang teaches the network link includes a wireless interfaces (as show in Fig.3b with palm sized computer 343). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Wang into the computer system of Gross to have a wireless interface because it would have provided user interface graphic elements corresponding to data exchanged with the others.
34. Claims 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al., (hereinafter Gross) U.S. Patent No. 6,161,138 in view of Wang et al., (hereinafter Wang) U.S. Patent No. 6,161,134.
35. As to claim 9, and 10 Gross and Wang do not teach a destination-side of the network link, de-framing the information. However, Ben-Ze'ev teaches de-framing the

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information (col.7, lines 15-30). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Ben-Ze'ev into the computer system of Gross to have a de-framing the information because it would have provided flexibility and adaptation to different types of environments, standards, and purposes.


Conclusion

36. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(571) 272-3929**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, may be reached at **(571) 272-3905**.

TTN

November 10, 2004


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